

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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SERGEANT GEORGE E. MARRA,

Plaintiff,

v.

TOWNSHIP OF HARRISON, et al.,

Defendants.

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HONORABLE JEROME B. SIMANDLE

Civil Action  
No. 12-2863 (JBS/AMD)

**ORDER**

On May 12, 2014, the Court entered two stipulations of dismissal in this matter: one dismissing all claims against Defendant Township of Harrison with prejudice [Docket Item 25] and the other dismissing all claims against all of the individual Defendants, except for Defendant Carole Rieck, without prejudice [Docket Item 24]. For the reasons explained below, the Court will direct the Clerk of Court to administratively terminate Defendant Carole Rieck without prejudice.

The stipulation concerning the individual Defendants expressly stated that "the dismissal shall not pertain to Defendant, Carole Reich,<sup>1</sup> who became deceased during the pendency of this action." [Docket Item 24 at 2.] Upon the entry of the

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<sup>1</sup> Carole's surname is spelled differently in the Amended Complaint ("Rieck") and the stipulation ("Reich"). The Court will use the spelling in the Amended Complaint.

stipulations, Ms. Rieck became the only Defendant remaining in the case.

Notice of Ms. Rieck's death has been noted in the record. Counsel for both parties have represented to the Court's staff that this matter should be closed. Defense counsel represented that the stipulation to dismiss without prejudice should have included Ms. Rieck. Neither side has indicated that this case should continue, and Ms. Rieck's estate has not been substituted as the only remaining party.

THEREFORE, IT IS this 29th day of May, 2014, hereby

ORDERED that the Clerk of Court shall administratively terminate Defendant Carole Rieck and/or her estate as a party without prejudice to any party's right to reopen the proceedings within sixty (60) days in accordance with law; and it is further

ORDERED that the Clerk shall close this matter on the docket.

s/ Jerome B. Simandle  
JEROME B. SIMANDLE  
Chief U.S. District Judge